

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

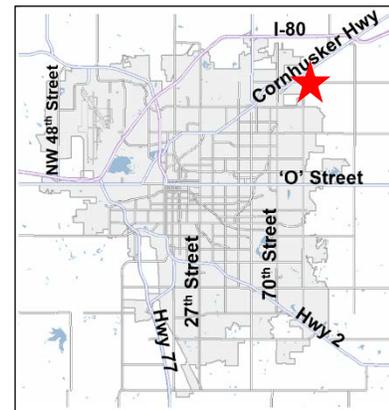
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Annexation #19009	FINAL ACTION? No	DEVELOPER/OWNER N/A
PLANNING COMMISSION HEARING DATE December 18, 2019	RELATED APPLICATIONS None	PROPERTY LOCATION N. 84 <sup>th</sup> Street & Fletcher Avenue

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

Annex right-of-way for the east portion of the bridge on Fletcher Avenue located east of N. 84<sup>th</sup> Street. The west portion of the bridge was brought into the City limits in 2009 with the annexation of adjacent property. The annexation would simplify maintenance and future improvement responsibilities rather than having split jurisdiction between the City and the County Engineer.



**JUSTIFICATION FOR RECOMMENDATION**

This annexation is contiguous to the City limits on the west and is consistent with the City’s annexation policy. The annexation would transfer full responsibility for the bridge maintenance to the City and alleviate confusion resulting from the split jurisdiction.

**APPLICATION/STAFF CONTACT**  
Rachel Jones, (402) 441-7603 or [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The requested annexation is consistent with the 2040 Comprehensive Plan Annexation Policy. The policy does not directly address the annexation of right-of-way, but states that annexation to facilitate the installation of improvements may be appropriate if otherwise consistent with the policy.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - the adjacent property is shown as future Environmental Resources on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Environmental Resources. Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors.

Pg. 1.10 - The adjacent property to the north is shown in Growth Tier I, Priority B on the Growth Tier Map. The property to the south is shown in Growth Tier 2.

The ANNEXATION POLICY- page 12.14-12.15 of the 2040 Comprehensive Plan.

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City - in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.

To demonstrate the City's commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land that is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. The City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

## UTILITIES & SERVICES

- A. **Water and Sanitary Sewer:** A 54" water main exists in Fletcher Avenue. There is a 16" water main located along the east side of N. 84<sup>th</sup> Street and an 8" sanitary sewer main along the west side of N. 84<sup>th</sup> Street.
- B. **Roads:** Fletcher Avenue is classified as a major arterial in the Access Management Policy.
- C. **Parks and Trails:** The Comprehensive Plan identifies a future crossing for an off-street multiuse trail at this location.
- D. **Fire Protection:** The nearest fire station is located at Touzalin Avenue and Fremont Street.

## ANALYSIS

1. The Lincoln-Lancaster County Planning Department proposes to annex 0.29 acres of right-of-way in Fletcher Avenue east of N. 84<sup>th</sup> Street. The annexation area comprises a portion of a bridge on Fletcher Avenue. The bridge was partially annexed in 2009. The proposed application would annex the remainder of the bridge that lies outside City limits.
2. The 2009 annexation included right-of-way in Fletcher Avenue adjacent to the private property being annexed, which inadvertently resulted in the City limits line running through the bridge. The City of Lincoln and the County Engineer currently have split jurisdiction and maintenance responsibility for the bridge. If the right-of-way were annexed as proposed, the bridge would become entirely the City's responsibility to maintain. This would eliminate confusion regarding responsibility for future maintenance costs. No additional private property is being annexed with the bridge.
3. The area of annexation is within the Waverly Rural Fire District. After annexation, fire protection will be provided by Lincoln Fire and Rescue (LFR).
4. The adjacent property north of Fletcher Avenue is in Growth Tier I, Priority B. The property south of Fletcher Avenue is in Growth Tier II. Growth Tier I reflects the "Future Service Limit" where urban services and inclusion in the City limits is anticipated within the 30-year planning period. Tier I includes three Priority Areas for phasing development. Priority A is comprised of undeveloped land within the City limits, as well as areas that are not yet annexed but which have approved preliminary plans. Priority B includes areas designated for development through 2026. Priority C areas are identified for development after 2026. Growth Tier II is a longer term growth area assumed for growth beyond Tier I.

## SURROUNDING LAND USE & ZONING

North: Vacant; I-1  
South: Single family dwelling and agriculture; AG  
East: N/A  
West: N/A

## APPLICATION HISTORY

May 2009      Annexation #08009 was approved by the City Council to annex 150 acres of land in the area of N. 84<sup>th</sup> Street and Cornhusker Highway, including the land north and west of the proposed annexation.

**APPROXIMATE LAND AREA:** 0.29 acres

**PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT:** District 1

**LEGAL DESCRIPTION:** See attached.

Prepared by

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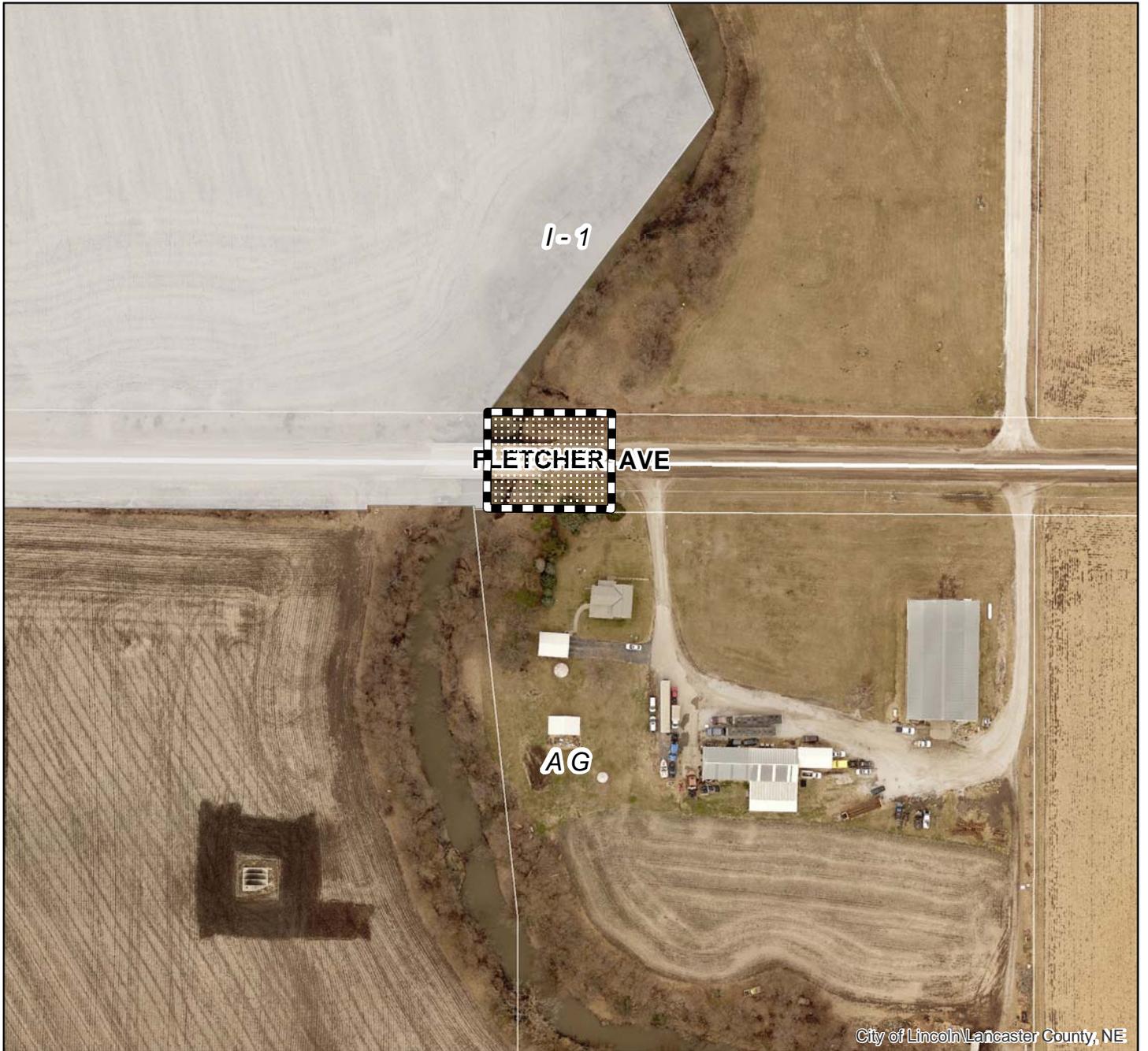
Rachel Jones, Planner

Date: December 12, 2019

Applicant: Lincoln-Lancaster County Planning Department, on behalf of City Council Member Sandra Washington  
555 S. 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

Contact: Rachel Jones, Planner  
(402) 441-7603 or [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)

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City of Lincoln Lancaster County, NE

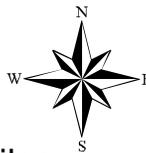
2018 aerial

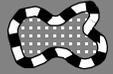
**Annexation #: AN19009**  
**Fletcher Ave ROW**  
**East of N 84th St**

**Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

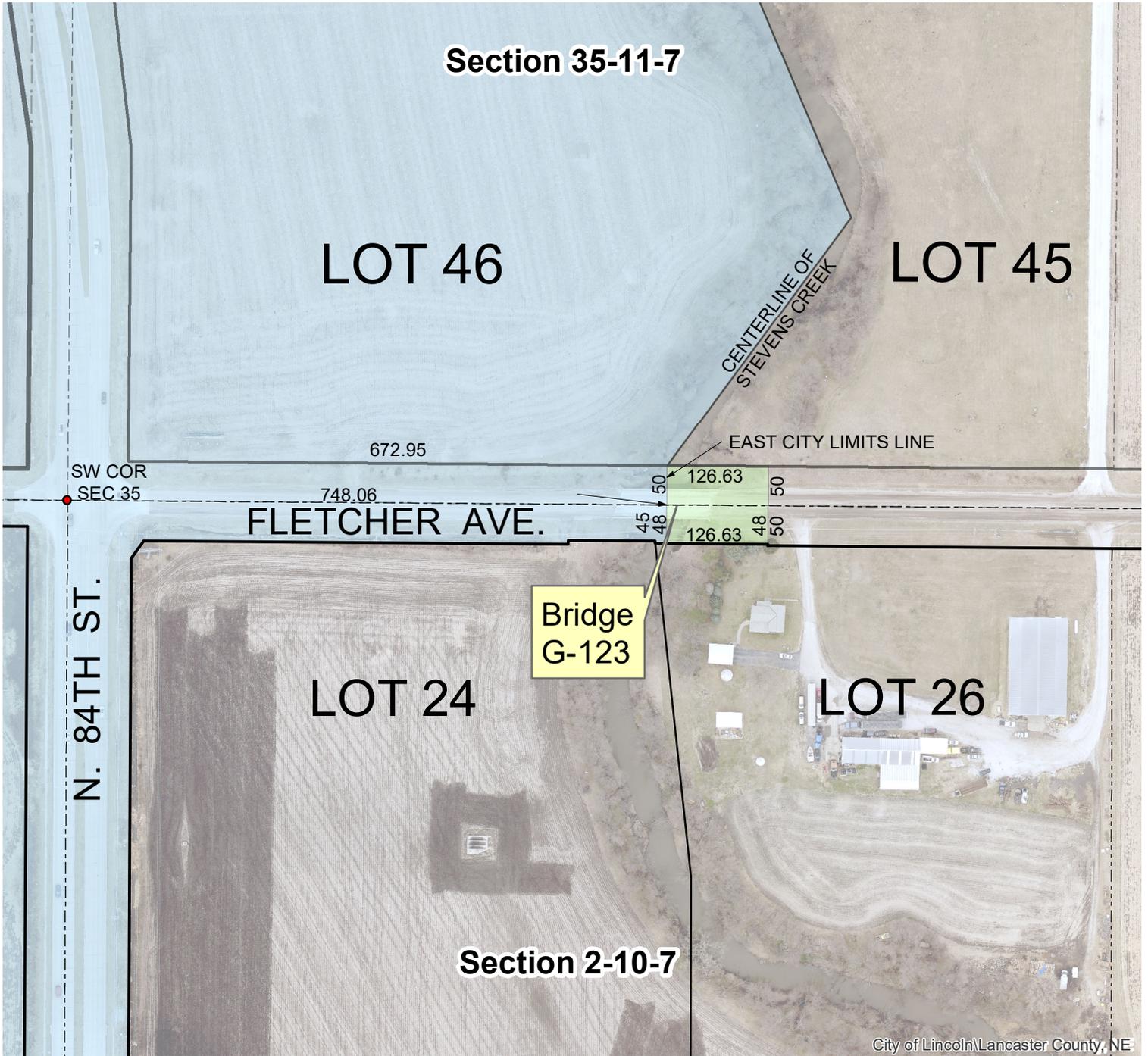
Two Square Miles:  
 Sec.35 T11N R07E  
 Sec.02 T10N R07E



	Area of Application
	Zoning Jurisdiction Lines
	Existing City Limits

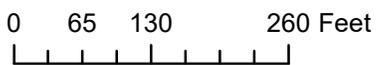


# ANNEXATION EXHIBIT "A"



City of Lincoln/Lancaster County, NE

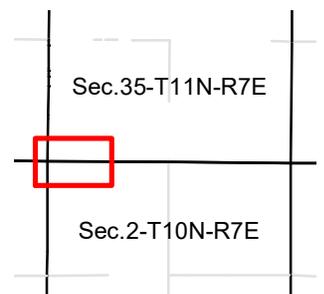
## Annexation Bridge G-123

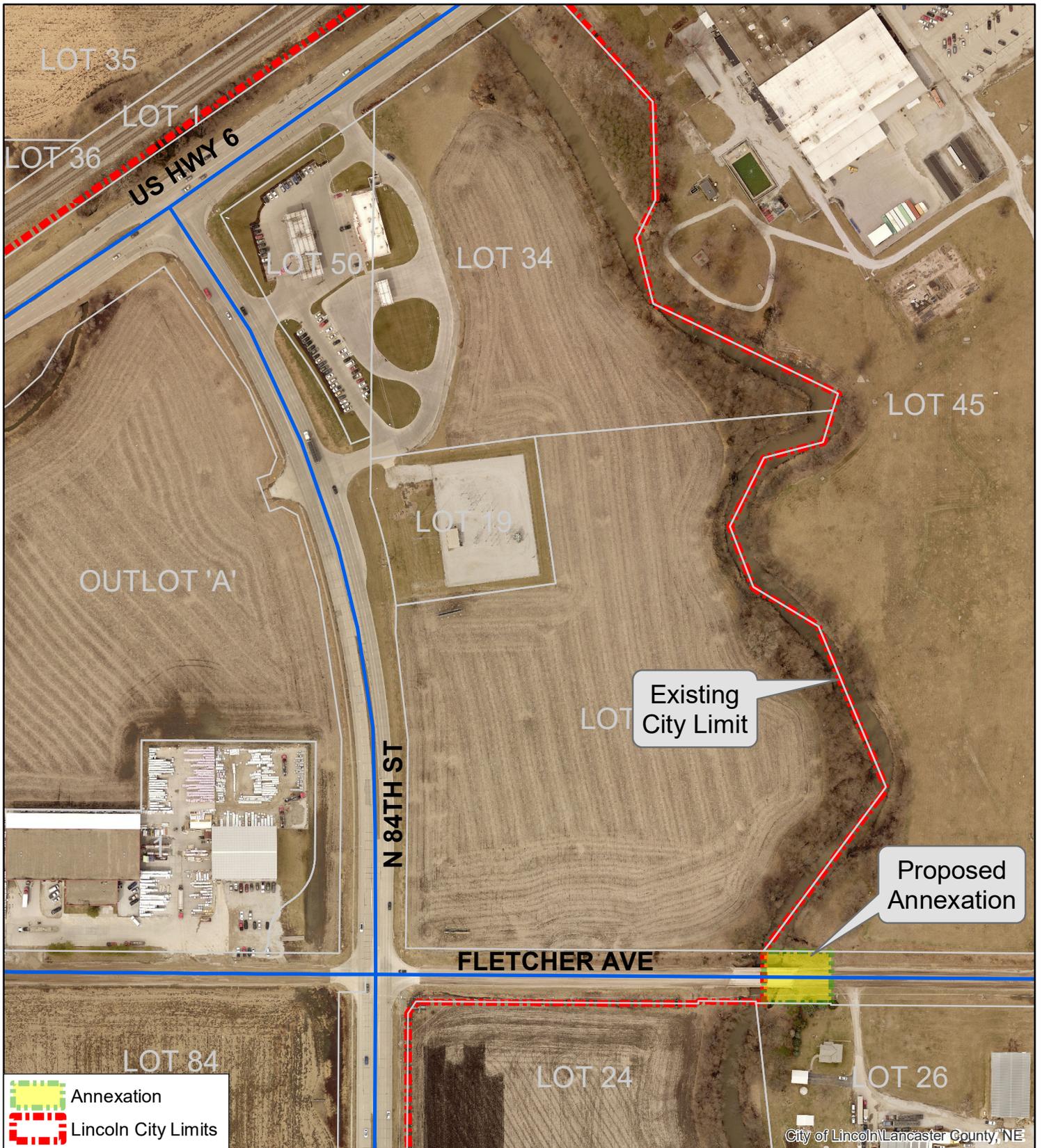


11/20/2019  
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### Legend

- Existing Lincoln city limits
- Annexation area





City of Lincoln/Lancaster County, NE

# Lincoln Transportation & Utilities

## FLETCHER AVE BRIDGE #G-123

AN19009

Dec 05, 2019



## RIGHT-OF-WAY ANNEXATION

A tract of land, located in the SW1/4 of Section 35, Township 11 North, Range 7 East, and the NW1/4 of Section 2, Township 10 North, Range 7 East, of the 6<sup>th</sup> Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Referring to the southwest corner of the SW1/4 of said Section 35; thence easterly on the south line of the SW1/4 of said Section 35, a distance of 748.06 feet to a point of intersection with the east City Limit Line for the City of Lincoln, Lancaster County, Nebraska, as recorded in Ordinance No. 19208, and passed on March 02, 2009, said point being THE POINT OF BEGINNING; thence northerly, on a line perpendicular to the south line of the SW1/4 of said Section 35, said line also being the east City Limit Line, a distance of 50.00 feet to a point on the northerly right-of-way line of Fletcher Avenue, said point being the intersection of the centerline of Stevens Creek, said point also being the southeast corner of Lot 46 Irregular Tracts, as located in the SW1/4 of said Section 35, thence easterly on the northerly right-of-way line of Fletcher Avenue, said line being 50.00 northerly of, and parallel to the south line of the SW1/4 of said Section 35, a distance of 126.63 feet; thence southerly on a line perpendicular to the south line of the SW1/4 of said Section 35, a distance of 50.00 feet to a point on said south line of the SW1/4 of said Section 35, said point also being on the north line of the NW1/4 of said Section 2; thence southerly on a line perpendicular to the north line of the NW1/4 of said Section 2, a distance of 48.00 feet to a point on the southerly right-of-way line of Fletcher Avenue said point being a bend point in said southerly right-of-way line; thence westerly on the southerly right-of-way line of Fletcher Avenue, said line being 48.00 southerly of, and parallel to the north line of the NW1/4 of said Section 2, a distance of 126.63 feet to the intersection of the east City Limit Line; thence northerly, on the east City Limit Line, said line being perpendicular to the north line of the NW1/4 of said Section 2, a distance of 48.00 feet to the point of beginning.

Containing an area of 0.29 acres, more or less.